

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building, 4<sup>TH</sup> Floor  
Des Moines, Iowa 50319  
Website: eab.iowa.gov**

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**ASHLEY HENRY**

Claimant

and

**WALMART INC**

Employer

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: **APPEAL NUMBER:** 23B-UI-08586  
: **ALJ HEARING NUMBER:** 23A-UI-08586  
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: **EMPLOYMENT APPEAL BOARD**  
: **DECISION**  
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**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION:** 96.5-2 96.3-7

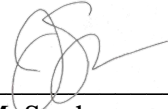
**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board, one member dissenting in part, finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Claimant submitted additional evidence to the Board which was not contained in the administrative file and which was not submitted to the administrative law judge. While the additional evidence was reviewed for the purposes of determining whether admission of the evidence was warranted despite it not being presented at hearing, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision. There is no sufficient cause why the new and additional information submitted by the Claimant was not presented at hearing. Accordingly, all the new and additional information submitted has not been relied upon in making our decision, and has received no weight whatsoever, but rather has been wholly disregarded.

The Claimant has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not follow the instructions on the notice of hearing. Therefore, good cause has not been established to remand this matter. The remand request is **DENIED**.



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James M. Strohman



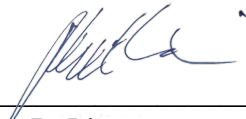
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Ashley R. Koopmans

**DISSENTING OPINION OF MYRON R. LINN:**

I agree with the majority of the Employment Appeal Board regarding the denial of unemployment insurance benefits based on the Claimant's separation from employment and **AFFIRM** that part of the administrative law judge's decision.

However, I respectfully **DISSENT** from the majority decision of the Employment Appeal Board with regard to the administrative law judge's decision to charge the overpayment to the Employer. I would charge the overpayment to the Claimant.



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Myron R. Linn

SRC/fnv

**DATED AND MAILED: NOV 14 2023**